

**FILED**

SEP 20 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. 3-05-70741 JCS  
14 Plaintiff, ) [PROPOSED] ORDER AND STIPULATION  
15 v. ) WAIVING A DETENTION HEARING  
16 TARNISHIA PAUL, ) WITHOUT PREJUDICE, WAIVING TIME  
17 Defendant. ) UNDER RULE 5.1 AND EXCLUDING  
 ) TIME FROM SEPTEMBER 15, 2005 TO  
 ) SEPTEMBER 29, 2005 FROM THE  
 ) SPEEDY TRIAL ACT CALCULATION  
 ) (18 U.S.C. § 3161(h)(8)(A))

19 The parties discussed various pre-trial matters via telephone on September 15, 2005. With  
20 the agreement of the parties, and with the consent of the Defendant, the Court enters this order  
21 (1) vacating the September 22, 2005 hearing date and scheduling a new preliminary  
22 hearing/arraignment date of September 29, 2005 at 9:30 a.m., before the Honorable Joseph C.  
23 Spero; (2) documenting the Defendant's waiver of time limits under Federal Rule of Criminal  
24 Procedure 5.1; (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C.  
25 § 3161(h)(8)(A), from September 15, 2005 to September 29, 2005; and (4) documenting the  
26 Defendant's waiver, without prejudice, of her right to a detention hearing. The parties agreed,  
27 and the Court hereby holds, as follows:

1. The Defendant waives the time limits for a preliminary hearing under Federal Rule of

STIP. & [PROPOSED] ORDER  
C 3-05-70741 JCS

1 Criminal Procedure 5.1. The government has not yet been able to produce discovery, and the  
2 parties are currently discussing a disposition of this case that may involve cooperation and/or  
3 agreement by the government not to proceed on certain possible charges. Failure to grant the  
4 requested continuance would unreasonably deny both defense and government counsel  
5 reasonable time necessary for effective preparation, taking into account the exercise of due  
6 diligence, and would deny the Defendant continuity of counsel.

7           2. Counsel for the defense believes that postponing the preliminary hearing is in his  
8 client's best interest, and that it is not in his client's interest for the United States to indict the  
9 case before the currently-scheduled preliminary hearing date of September 22, 2005.

10       3. The Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to  
11 grant the requested continuance would unreasonably deny both government and defense counsel  
12 reasonable time necessary for effective preparation, taking into account the exercise of due  
13 diligence, and would deny the Defendant continuity of counsel.

14       4. Given these circumstances, the Court finds that the ends of justice served by excluding  
15 the period from September 15, 2005 to September 29, 2005, outweigh the best interest of the  
16 public and the Defendant in a speedy trial. Id. § 3161(h)(8)(A).

17       5. Accordingly, and with the consent of the defendant, the Court orders that the period  
18 from September 15, 2005 to September 29, 2005, be excluded from Speedy Trial Act  
19 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

20 6. The Defendant also waives her right to a detention hearing, without prejudice.

21       7. The Court hereby vacates the September 22, 2005 preliminary hearing/detention  
22 hearing date and schedules a new preliminary hearing/arraignment date of September 29, 2005, at  
23 9:30 a.m., before the Honorable Joseph C. Spero.

34 IT IS SO STIPULATED.

26 DATED: 9/16/05 /s/  
27 TRACIE L. BROWN  
Assistant United States Attorney

STIPULATION AND ORDER  
3-05-70741 JCS

1  
2 DATED: 9/19/05

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4  
5 /s/  
RONALD C. TYLER  
Attorney for TARNISHIA PAUL

6 IT IS SO ORDERED.

7 DATED: 9/20/05

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10 HON. JOSEPH C. SPERO  
11 United States Magistrate Judge  
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